

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

JORGE A FUENTES DELGADO
ISABEL M DAVILA PEREIRA

Debtor(s)

CASE NO. 16-04797-BKT

CHAPTER 13

MOTION TO SUBMIT POST CONFIRMATION MODIFICATION PLAN

TO THE HONORABLE COURT:

Comes now Debtor(s), represented by the undersigned attorney, and very respectfully avers and prays as follows:

1. Debtor(s) filed for bankruptcy protection on June 15, 2016. Please see docket 1.
2. Debtors' plan was confirmed on December 12, 2016. Please see docket 27.
3. The debtor sent the undersigned a new certification that the retirement loan payments deducted from pay **stub has a different maturity date**. All evidence has been sent to the Trustee.
4. In addition, debtors had extraordinary expenses due to the devastation of Hurricane Maria and is 1 month in arrears.
5. For said reasons, the undersigned is filing this filing this new post confirmation modification plan to change the step-up payments in regards to retirement loan and provide one month with zero payments to moot the arrears.
6. It is respectfully averred that this plan still complies with the liquidation value of the case and therefore, it is respectfully requested that this Honorable Court grant Debtor's new Post Confirmation Plan.

WHEREFORE, the Debtor(s) respectfully requests that this Honorable Court to take notice of the aforestated and confirmed this post confirmation modification plan.

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NOTICE: Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this September 13, 2018.

CERTIFICATE OF SERVICE: I hereby certify that on this same date the foregoing motion was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants. Furthermore, I certify that notice of this motion was served by first class U.S. Mail, postage prepaid, to the non CM/ECF participants included in the attached master address list.

EMG Despacho Legal, CRL

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By: /s/Edgardo Mangual González

EDGARDO MANGUAL GONZÁLEZ
USDC No. 223113

By: /s/José L. Jiménez Quiñones

JOSE L. JIMENEZ QUINONES
USDC No. 203808
e-mail: lcdojosejimenez@gmail.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:
JORGE ANTONIO FUENTES DELGADO
ISABEL MILAGROS DAVILA PEREIRA

xxx-xx-0040
xxx-xx-3429

Puerto Rico Local Form G

Chapter 13 Plan dated September 13, 2018 .

Case No.: **16-04797-BKT**

Chapter 13

☒ Check if this is a pre-confirmation amended plan

☐ Check if this is a post confirmation amended plan

Proposed by:

☒ Debtor(s)

☐ Trustee

☐ Unsecured creditor(s)

If this is an amended plan, list below the sections of the plan that have been changed.

SECTIONS: 2.1, 3.1, 3.5, 4.3, 5.1, 7.1

PART 1: Notices

To Debtor(s): This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

Debtor **JORGE ANTONIO FUENTES DELGADO**
ISABEL MILAGROS DAVILA PEREIRA

Case number **16-04797-BKT**

PART 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make payments to the trustee as follows:

PMT Amount	Period(s)	Period(s) Totals	Comments
\$800.00	Months 1 through 1	\$800.00	
\$890.00	Months 2 through 15	\$12,460.00	PLAN INCREASE WITHIN 2 MONTH AT MATURITY DATE (07/2016) TO CULTURAL LOAN FOR \$90.00
\$0.00	Month 16	\$0.00	
\$890.00	Months 17 through 25	\$8,010.00	
\$1,000.00	Months 26 through 26	\$1,000.00	
\$890.00	Months 27 through 32	\$5,340.00	
\$1,000.00	Months 33 through 47	\$15,000.00	PLAN INCREASE WITHIN 25 MONTH AT MATURITY DATE (02/2019) TO RETIREMENT LOAN FOR \$110.00
\$1,110.00	Months 48 through 60	\$14,430.00	PLAN INCREASE WITHIN 47 MONTH AT MATURITY DATE (04/2020) TO RETIREMENT LOAN FOR \$110.00
Subtotals	60 Months	\$57,040.00	

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.
☒ Debtor(s) will make payments directly to the trustee.
☐ Other (specify method of payment): _____

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

PART3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
☒ The Debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Debtor	JORGE ANTONIO FUENTES DELGADO ISABEL MILAGROS DAVILA PEREIRA		Case number	16-04797-BKT		
Name of Creditor	Collateral	Current installment payments (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if any)	Monthly PMT on arrearage	Estimated total payments by trustee
ADM DE RETIRO	Pension: RETIREMENT PLAN @ ELA (MUNICIPIO DE CANOVANAS)	\$111.22				\$0.00
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)			Months Starting on Plan Month	
ADM DE RETIRO	Pension: RETIREMENT PLAN @ ELA (MUNICIPIO DE CANOVANAS)	\$91.01				\$0.00
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)			Months Starting on Plan Month	
ADM DE RETIRO	Pension: RETIREMENT PLAN @ ELA (MUNICIPIO DE CANOVANAS)	\$111.22				\$0.00
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)			Months Starting on Plan Month	
ORIENTAL	2015 TOYOTA HIGHLANDER LE	\$589.97	\$1,468.44			\$1,468.44
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)			Months Starting on Plan Month	
SCOTIABANK DE PR	URB. VILLAS DE LOIZA CALLE 45-A DD2 Canovanas, PR	\$504.00	\$2,229.84			\$2,229.84
		Disbursed by: <input type="checkbox"/> Trustee <input checked="" type="checkbox"/> Debtor(s)			Months Starting on Plan Month	

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Lien Avoidance.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

Debtor **JORGE ANTONIO FUENTES DELGADO**
ISABEL MILAGROS DAVILA PEREIRA

Case number **16-04797-BKT**

- ☒ The Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor
AEELA

Collateral
SAVINGS & DIVIDENDS WITH AEELA

Insert additional claims as needed.

3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.

- ☐ Payments pursuant to 11 USC §1326(a)(1)(C):

Name of secured creditor

\$ Amount of APMP

Comments

-NONE-

Insert additional claims as needed.

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.

Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.

PART 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

4.3 Attorney's fees

Check one.

- ☒ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

- ☐ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:

\$ **490.00**

Balance of attorney's fees to be paid under this plan are estimated to be:

\$ **2,760.00**

If this is a post-confirmation amended plan, estimated attorney's fees:

\$ **500.00**

4.4 Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6

Check one.

- ☒ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

Debtor **JORGE ANTONIO FUENTES DELGADO**
ISABEL MILAGROS DAVILA PEREIRA

Case number **16-04797-BKT**

Check one.

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

4.6 Post confirmation property insurance coverage

Check one.

☒ **None.** If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

PART 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

- ☐ The sum of \$ _____.
- ☐ _____% of the total amount of these claims, an estimated payment of \$ _____.
- ☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.
- ☐ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ _____.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Other separately classified nonpriority unsecured claims.

Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

PART 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

PART 7: Vesting of Property of the Estate & Plan Distribution Order

7.1 Property of the estate will vest in the Debtor(s) upon

Check the applicable box:

- ☒ Plan confirmation.
- ☐ Entry of discharge.
- ☐ Other: _____

7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)

Debtor **JORGE ANTONIO FUENTES DELGADO**
ISABEL MILAGROS DAVILA PEREIRA

Case number **16-04797-BKT**

2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

PART 8: Nonstandard Plan Provisions

8.1 Check "None" or list the nonstandard plan provisions

☒ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

Insert additional lines as needed.

PART 9: Signature(s)

/s/ Lcdo. Edgardo Mangual Gonzalez
Lcdo. Edgardo Mangual Gonzalez 223113
Signature of Attorney of Debtor(s)

Date September 13, 2018

/s/ JORGE ANTONIO FUENTES DELGADO
JORGE ANTONIO FUENTES DELGADO
/s/ ISABEL MILAGROS DAVILA PEREIRA
ISABEL MILAGROS DAVILA PEREIRA

Date /September 13, 2018

Date September 13, 2018

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.

Label Matrix for local noticing
0104-3
Case 16-04797-BKT13
District of Puerto Rico
Old San Juan
Tue Jun 21 16:22:00 AST 2016

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

ADM DE RETIRO
EMPLEADOS DEL GOBIERNO Y LA JUDICATURA
PO BOX 42003
SAN JUAN, PR 00940-2203

AEELA
P.O. BOX 364508
SAN JUAN, PR 00936-4508

BANCO POPULAR PR
PO BOX 362708
SAN JUAN, PR 00936-2708

CITI CARD
PO BOX 6286
Sioux Falls, SD 57117-6286

CITI CARDS
PO BOX 6004
Sioux Falls, SD 57117-6004

ENCORE RECEIVABLE MANAGEMENT, INC
PO BOX 48458
Oak Park, MI 48237-6058

GC SERVICES LIMITED PARTNERSHIP
PO BOX 1389
COPPERAS COVE, TX 76522-5389

HOME DEPOT CREDIT SERVICES
PO BOX 790328
Saint Louis, MO 63179-0328

JC PENNEY
PO BOX 364788
SAN JUAN, PR 00936-4788

JC PENNEY/ SYNCHRONY BANK
BANKRUPTCY DEPT
PO BOX 965060
ORLANDO, FL 32896-5060

ORIENTAL
P.O. BOX 364745
SAN JUAN, PR 00936-4745

ORIENTAL
PO BOX 31535
Tampa, FL 33631-3535

OSCAR AMADOR RAMIREZ ESQ
PO BOX 363422
SAN JUAN, PR 00936-3422

(p)PENTAGON FEDERAL CREDIT UNION
ATTN BANKRUPTCY DEPARTMENT
P O BOX 1432
ALEXANDRIA VA 22313-1432

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Sioux Falls, SD 57117-6500

SCOTIABANK DE PR
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SAN JUAN, PR 00936-2230

SEARS
CARD SERVICE CENTER
PO BOX 6283
SIOUX FALLS, SD 57117-6283

SYNCHRONY BANK
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Orlando, FL 32896-5033

SYNCHRONY BANK / SAM'S CLUB
BANKRUPTCY DEP.T
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ORLANDO, FL 32896-5060

SYNCHRONY BANK / SUNGLASS HUT
BANKRUPTCY DEPT.
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Orlando, FL 32896-5061

SynChrony Bank / Room's To Go
Bankruptcy Dept.
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Orlando, FL 32896-5061

SynCHRONY BANK / PEP BOYS/ CARECARE ONE
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ORLANDO, FL 32896-5061

(p)C O AMERICAN INFOSOURCE LP
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UNITED COLLECTION BUREAU, INC
5620 SOUTHWYCK BLVD SUITE 206
TOLEDO, OH 43614-1501

UNITED RECOVERY SYSTEMS
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Concord, CA 94524-4044

UNITED RECOVERY SYSTEMS
PO BOX 722910
HOUSTON, TX 77272-2910

ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS CHAPTER 13 TRUS
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EDGARDO MANGUAL GONZALEZ
EMG DESPACHO LEGAL, CRL.
EDIFICIO LA ELECTRONICA
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SAN JUAN, PR 00927-6112

ISABEL MILAGROS DAVILA PEREIRA
URB VILLAS DE LOIZA
CALLE 45 A DD 2
CANOVANAS, PR 00729

JORGE ANTONIO FUENTES DELGADO
URB VILLAS DE LOIZA
CALLE 45 A DD 2
CANOVANAS, PR 00729

MONSITA LECAROS ARRIAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

PENTAGON FEDERAL CREDIT UNION
PO BOX 1432
ALEXANDRIA, VA 22313

T MOBILE
P.O. BOX 660252
DALLAS, TX 75266-0252

End of Label Matrix	
Mailable recipients	32
Bypassed recipients	0
Total	32